CANCELLATION—OF DEED FOR MISTAKE ON PART OF GRANTOR.—The defendant company bought the land in question at a tax sale. It then discovered that the plaintiff railroad had a claim upon the land, and instituted proceedings to quiet title. The plaintiff company, relying on the advice of the state land commissioner to the effect that it had no title to the land in question, executed a quit claim deed to the defendant company. Then the plaintiff company discovered that it had title to the tract, and brought suit to cancel its deed on the ground of mistake. It was admitted that there was no fraud on the part of the defendant in procuring the quit claim deed, and the court found that the officers of the plaintiff company were not negligent in failing to discover, before the execution of the deed, that the plaintiff had an interest in the land. *Held,* that the deed should be cancelled. *Chicago, St. P., M. & O. Ry. Co.* v. *Washburn Land Co.,* (Wis. 1917), 161 N. W. 358.

There is no part of our law in a more chaotic condition than that dealing with mistake as a ground for relief or defense in equity. It is not strange that this is so, for practically every case raises a different and complex question upon the facts, and hence it is impossible to apply any hard and fast set of principles to all cases. It is well settled that not every mistake which would be sufficient ground for refusal to decree specific performance would authorize a court to rescind and annul a contract. *Moffett, Hodgkins Co.* v. *Rochester,* 178 U. S. 373, 20 Sup. Ct. 957, 44 L. ed. 1108. It is likewise settled law that a unilateral mistake is not ground for reforming a contract. *Hearne* v. *Marine Ins. Co.,* 20 Wall. 488, 490; *Fritz* v. *Fritz,* 94 Minn. 264, 102 N. W. 705. However, in case the relief asked is not reformation but rescission, most of the courts hold that, even if the mistake of fact is on the part of one party only, such relief may be granted. *Wirsching* v. *Grand Lodge,* 67 N. J. Eq. 711, 63 Atl. 1119; *Moffett, Hodgkins & Co.* v. *Rochester,* supra; contra, *Thomson* v. *Dupont Co.,* 100 Minn. 367, 111 N. W. 302; *Chute* v. *Quincy,* 156 Mass. 189, 30 N. E. 550. In both of the latter cases the hardship upon the plaintiff was not as great as in the principal case, in which there was practically an instance of a person deeding away his property without consideration. It is true that a voluntary deed will not be cancelled because of mere hardship to the grantor, *Fretz* v. *Roth,* 70 N. J. Eq. 764, 64 Atl. 152; but in case the hardship is coupled with a bona fide mistake of one of the parties, a court of equity may rightly, as in the principal case, decree cancellation of the deed.

CONSTITUTIONAL LAW—POWER OF CONGRESS TO PUNISH FOR CONTEMPT.—The petitioner, a District Attorney of New York, whose conduct was being investigated by a sub-committee of the House of Representatives of the United States, wrote a letter to the chairman of the sub-committee, which letter was also given to the press, making charges against the sub-committee "in language which was certainly unparliamentary and manifestly ill-tempered and which was well calculated to arouse the indignation not only of the members of the sub-committee but of those of the House generally." Upon the report of a select committee appointed to consider the subject, the petitioner was found guilty of contempt, a formal warrant for arrest was issued

and its execution by the Sergeant-at-Arms was followed by an application for habeas corpus. *Held,* that the House of Representatives had no power to punish the petitioner for contempt. *Marshall* v. *Gordon,* (Apr., 1917), 37 Sup. Ct. —.

Though early decisions seem doubtful on the subject (see *Ex parte Nugent,* 18 Fed. Cas. No. 10,375), it has long since been decided that neither branch of Congress has any general power to punish non-members for contempt. Such limited power as exists arises only by implication and rests upon the right of self-preservation—that is, the right to prevent acts which in and of themselves obstruct or prevent the discharge of legislative duty or the refusal to do that which there is an inherent legislative power to compel in order that legislative functions may be performed; and it is "the least possible power adequate to the end proposed." *Anderson* v. *Dunn,* 6 Wheat, 204; *Kilbourn* v. *Thompson,* 103 U. S. 168. The principal case decides that such implied power does not embrace *punishment* for contempt, as punishment, and hence that the House of Representatives had no power to imprison the petitioner for a contempt which "was deemed to result from the writing of the letter not because of any obstruction to the performance of legislative duty * * * but because of the effect and operation which the irritating and ill-tempered statements made in the letter would produce upon the public mind or because of the sense of indignation which it may be assumed was produced by the letter upon members of the committee and of the House generally." The court is careful to point out that the *legislative* power to make criminal every form of act which can constitute a contempt to be punished according to the orderly process of law is not subject to the strict limitation applicable to the accessory implied power to deal with particular acts as contempts outside of the ordinary process of law, citing *In re Chapman,* 166 U. S. 661.

COPYRIGHTS—PERFORMANCE FOR PROFIT OF A MUSICAL COMPOSITION.—The plaintiff was the owner of a copyrighted musical composition which was sung in defendant's restaurant without permission. The music was furnished merely as entertainment to the diners, and no admission fee was charged. The plaintiff sued defendant for infringement. The Circuit Court of Appeals had held that this was not a public performance for profit within the meaning of the COPYRIGHT ACT of March 4, 1909, (COMP. STAT. 1913, §9517). *Held,* that the decision of the Circuit Court of Appeals should be reversed. *Herbert* v. *Shanley,* (1917), 37 Sup. Ct. 232.

For the first time the supreme court of the United States has passed upon the meaning of the words "publicly for profit" in the COPYRIGHT ACT. The court of appeals in *Herbert* v. *Shanley Co.,* 229 Fed. 340, 143 C. C. A. 460, construed the act as pertaining only to performances where an admission fee or some direct pecuniary charge is made. Justice HOLMES, who delivered the opinion of the Supreme Court, has the support of the English case of *Sarpy* v. *Holland & Savage,* [1909], 99 L. T. 317, in his proposition that the music is part of what was paid for by the public. The learned justice says in the principal case: "It is true that the music is not the sole object but